



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Diego Padilla,  
County Correction Captain  
(PC2597V), Passaic County

Examination Appeal

CSC Docket No. 2018-3338

**ISSUED: AUGUST 3, 2018** (ABR)

Diego Padilla appeals the promotional examination for County Correction Captain (PC2597V), Passaic County.

The subject examination was administered on May 3, 2018 and consisted of 70 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A (County Correction Captain Supplemental Examination Material) and Booklet B (2018 County Correction Captain Examination). Booklet A contained stimulus material and Booklet B contained the exam questions.

The appellant’s appeal involves Question 56 on the subject examination. Question 56 indicates that Inmate Fredericks, who arrived at your facility earlier in morning and was assigned to Housing Unit South Block D, refused to lock into his cell for a count. Per facility policy, he was sent to Disciplinary Detention for refusing to lock in for a count. Later that day, Lieutenant Wallace speaks with you about the incident, stating that, based upon video evidence and information he obtained from other officers, he believes Inmate Fredericks refused to lock in because he was afraid of his cellmate. After reviewing the evidence, you agree that Inmate Fredericks is afraid of his assigned cellmate. The question asks how you should proceed based upon this information. The keyed response is option c, “[h]ave Inmate Fredericks serve out his appropriate time in Disciplinary Detention and then recommend his placement into Housing Unit South Block C.” The appellant argues that the best response is option a, which would remove Fredericks from Disciplinary Detention and recommend his placement into Housing Unit South

Block C because Fredericks should not be punished until he is found guilty after a disciplinary hearing. The appellant states that because Fredericks does not constitute a threat, pursuant to *N.J.A.C. 10A:31-16.10*, he should be moved to a housing unit under the same classification until his disciplinary hearing. Alternatively, the appellant argues that the charges against Fredericks should be dismissed entirely. In this regard, the appellant contends that keeping Fredericks in Disciplinary Detention after both he, as a County Correction Captain, and Lieutenant Wallace have concluded that Fredericks acted out of concern for his safety, may violate *N.J.A.C. 10A:31-16.1* by subjecting Fredericks to an unfair punishment and violating his civil rights, including the prohibition against cruel and unusual punishment in the Eighth Amendment to the United States Constitution. The appellant also proffers that punishing Fredericks may be viewed a form of harassment by facility staff prohibited by *N.J.A.C. 10A:31-14.2*.

### CONCLUSION

In the instant matter, Question 56's reference to Fredericks being in Disciplinary Detention, rather than Prehearing Detention, indicates that he already received a hearing where he had an opportunity to present his defense against the charge(s) at issue. Thus, because Fredericks has already been adjudicated to have violated facility policy, he would be expected to serve out his time there. Thereafter, an effort should be made to place him into a different housing unit. Accordingly, a thorough review of the appellant's submission and the test materials reveals that the question is correct as keyed, the appellant's examination score is amply supported by the record and the appellant has failed to meet his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF AUGUST, 2018

*Deirdre' L. Webster Cobb*

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